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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,530	11/21/2000	Richard Odle	2224.001	2559
21917	7590	12/17/2003		
MCHALE & SLAVIN, P.A. 2855 PGA BLVD PALM BEACH GARDENS, FL 33410				
			EXAMINER BROWN, VERNAL U	
			ART UNIT 2635	PAPER NUMBER 5

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/718,530

Applicant(s)

ODLE ET AL.

Examiner

Vernal U Brown

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This action is responsive to communication filed on October 1, 2003.

#### ***Response to Amendment***

The examiner has acknowledged the amendment of claims 1-5,7-8, and 11-12.

#### ***Response to Arguments***

Applicant's arguments filed October 1, 2003 have been fully considered but they are not persuasive.

Applicant's argued limitation concerning a mapping system based on the reception of a pattern produced by an electrical current passing through a finger in close proximity to an antenna array is not in the claims, and therefore is moot.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. U.S Patent 6100811 in view of Johnson U.S Patent 5598474 and further in view of Sidbald U.S Patent 5633947.

Regarding claim 1, Hsu et al. teaches a security system for authorization to operate a vehicle (figure 5) comprising a fingerprint enrollment and verification module (the FEVM

Art Unit: 2635

comprises fingerprint sensors 14, and 16 and the verification module 30), the FEVM is adapted for electrical connection to the electrical system of a vehicle (figure 5), a sensor means (14) mounted to capture a fingerprint image for authorization to operate the vehicle. Hsu et al. is however not explicit in teaching the fingerprint sensor mounted in the opening of the fingerprint and verification module. Hsu et al. is however not explicit in teaching the fingerprint sensor mounted in the opening of the fingerprint and verification module and the fingerprint is acquired by inserting the finger in an opening. Acquiring of a fingerprint pattern by inserting the finger into an opening of a fingerprint enrollment and verification module is evidenced by Johnson (col. 8 lines 46-52). The acquiring of the fingerprint is considered as receiving a statistical pattern of the structure of the fingerprint because a statistical analysis is performed on the fingerprint to determine a match between the acquired and stored fingerprint as evidenced by Sidbald (col. 5 lines 25-33).

It would have been obvious to one of ordinary skill in the art for the fingerprint sensor to be mounted in the opening of the fingerprint and verification module and the fingerprint is acquired by inserting the finger in an opening of the verification module in Hsu et al. as evidenced by Johnson in view of Sidbald because Hsu et al. teaches a security system for authorization to operate a vehicle comprising a fingerprint enrollment and verification module and Johnson teaches acquiring of a fingerprint by inserting the finger into an opening of a fingerprint enrollment and verification module and the acquiring of the fingerprint is considered as receiving a statistical pattern of the structure of the fingerprint because a statistical analysis is performed on the fingerprint to determine a match between the acquired and stored fingerprint as evidenced by Sidbald.

Regarding claim 3, Hsu et al. teaches verification mode wherein the fingerprint evaluation and enrollment module apply statistical information of the archived template (the stored fingerprint) to a current to a current fingerprint pattern capture by the sensor (col. 2 lines 55-58).

Regarding claims 4-5 and 7, Hsu et al. teaches the operation of the vehicle is permitted when the current fingerprint and the archive fingerprint match and the operation of a vehicle is denied when the archived template (fingerprint) and current pattern acquired by the sensor do not match (col. 2 lines 61-col. 3 line 6). Hsu et al. further teaches electrical powered door lock (34).

Regarding claim 6, Hsu et al. teaches the vehicle has passenger doors (figure 1), and the fingerprint sensor is mounted on one of the passenger doors and is further connected to the fingerprint enrollment and verification module (30) as shown in figure 5 and wired into the vehicle's electrical system.

Regarding claim 8, Hsu et al. teaches vehicle has passenger doors (figure 1) and an electrical door lock circuit (34), the doors including electrically powered door locks connected to the electrical door lock circuit and the FEVM is electrically connected to the door lock circuit (figure 5), the FEVM acting as a switch activating the circuit the said template and the pattern match (col. 4 lines 30-31).

Regarding claim 9, Hsu et al. teaches the FEVM unlock the doors (col. 4 lines 38-41).

Regarding claim 10, Hsu et al. teaches the FEVM is mounted in the vehicle and is electrically wired into the electrical system of the vehicle (figure 5), the sensor of the FEVM is placed in the door handle therefore the sensor faces outwardly exposing the sensor means (col. 4 lines 43-44).

Regarding claim 11-12, Hsu et al. teaches the elements of claims 11 and 12 which is already addressed in claims 8 and 2 above.

Regarding claim 13, teaches the FEVM energizes the circuits and operates the subsidiary system (col. 4 lines 29-33).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. U.S Patent 6100811 in view of Gallagher U.S Patent 5253746.

Regarding claim 2, Hsu et al. teaches an enrollment mode in which fingerprint image is transformed to a template, the template having statistical information about the fingerprint image and is communicated to memory for archiving (col. 2 lines 35-39). Hsu et al. is however silent on teaching the use of flash memory. One skilled in the art recognizes that flash memory are widely used as storage device to prevent the loss of information in the event of a power outage as evidenced by Gallagher (col. 4 line 61).

It would have been obvious to one of ordinary skill in the art to use flash memory for storing the fingerprint template in memory in Hsu et al. as evidenced by Gallagher because Hsu et al. suggests storing the fingerprint in memory and one skilled in the art recognizes that flash memory are widely used as storage device to prevent the loss of information in the event of a power outage as evidenced by Gallagher.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-Th, 8:30 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

Application/Control Number: 09/718,530

Page 7

Art Unit: 2635



Vernal Brown

December 2, 2003

MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
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